



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Article Number:

Tawna Holmstedt  
Registered Agent  
945 Central Avenue  
P. O. Box 482  
Grant, Nebraska

EkoTuning Nebraska  
Brian Klein  
1760 121 Street Road  
Stromburg, Nebraska 68666

Dear Ms. Holmstedt and Mr. Klein:

After our review of the information you submitted pursuant to Section 208 of the Clean Air Act, 42 U.S.C. § 7542, the U.S. Environmental Protection Agency, Region 7, believes that EkoTuning Nebraska may be in violation of Title II of the Clean Air Act, which prohibits tampering with, installing or selling devices to defeat the emissions controls of a vehicle or engine. The CAA prohibitions apply to nonroad vehicles and nonroad engines, including the engines installed in agricultural equipment. The purpose of this letter is to advise EkoTuning Nebraska of the potential consequences of violation of the CAA.

Mobile sources are a significant contributor to air pollution. Title II of the CAA authorizes the EPA to set standards applicable to emissions from a variety of vehicles and engines. Required emissions controls often include filters and catalysts installed in the vehicle's or engine's exhaust system, as well as calibrations that manage fueling strategy and other operations in the engine itself. The CAA prohibits tampering with emissions controls, as well as manufacturing, selling, or installing aftermarket devices intended to defeat those controls. The EPA has found numerous companies and individuals that have manufactured and sold both hardware and software specifically designed to defeat required emissions controls on vehicles and engines used on public roads as well as nonroad vehicles and engines. Illegally modified vehicles and engines contribute substantial excess pollution that harms public health and impedes efforts by the EPA, tribes, states, and local agencies to plan for and attain air quality standards.

Although the EPA has chosen at this time not to pursue an enforcement action against EkoTuning Nebraska, the EPA may do so in the future, if violations of the Clean Air Act are discovered. The CAA authorizes the EPA to seek penalties of up to \$48,192 for each tampered vehicle or engine and \$4,819 for each defeat device installed and/or sold. *See* 42 U.S.C. § 7524(a) and 40 C.F.R. § 19.4. History of noncompliance is a factor the EPA considers when calculating appropriate penalties.



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Please find enclosed the EPA's Vehicle Aftermarket Fact Sheet, which contains information about selling and installing emissions-related parts, and Small Business Resources Information Sheet, which may be helpful if EkoTuning Nebraska qualifies as a small business. For further information about mobile source pollution, please visit EPA's website at <https://www.epa.gov/mobile-source-pollution>.

If you have any questions, please contact Lisa Gotto at 913-551-7210 or [gotto.lisa@epa.gov](mailto:gotto.lisa@epa.gov).

Sincerely,

David Cozad  
Director  
Enforcement and Compliance Assurance Division

Enclosures